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we receive not a few books with the naked name of the writer prefixed, when that name is of so little notoriety, that, for any use which it serves to the distant reader, the publication might just as well have been anonymous.

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ART. IX. — *A Historical Discourse, delivered by Request, before the Citizens of New Haven, April 25th, 1838, the Two Hundredth Anniversary of the First Settlement of the Town and Colony.* By JAMES L. KINGSLEY. New Haven : B. & W. Noyes. 8vo. pp. 115.

NOTWITHSTANDING the degree of attention, which, of late years, has been given to the details of American History, no adequate estimate has yet been formed of the importance of the subject. It is known and felt, that the men and the events of our early annals are worthy of our notice and study ; but the share which they bore in determining and promoting the political and social progress of the world is not yet appreciated.

Philosophers, in all times, have attempted to resolve the forms and institutions of society into their original elements, and to trace the powers of government back into a social compact entered into by the fathers of the race, as they passed from a state of individual independence into a political organization of mutual subjection. But, as the infancy of the world is shrouded in impenetrable darkness, and no records or express indications of such primitive compacts can be found, it has not been possible to give to the speculations, founded upon the supposition of such early agreements, any firm and substantial basis. Resting, as they do, upon shadows, a breath has ever been sufficient to blow them down.

Such was the irremediable defect of all scientific political disquisitions previous to the colonization of America. The sources of reasoning on the subject were enveloped in absolute uncertainty, and the fundamental principles of the powers of government and the rights of the governed, howsoever put forth and maintained, could claim no better character than of fanciful conjecture and imaginary probability.

America was reserved to be the theatre on which, in the broad view of the civilized world and in an advanced and enlightened age, the entire process of the formation of civil society and political institutions, out of a state of purely natural independence, might be distinctly exhibited. The political forms and customs of this country can be followed back, by unquestionable and recent historical records, to their origin, and can be shown to have sprung from precisely such voluntary compacts and deliberate concessions on the part of the communities governed by them, as liberal reasoners have always affirmed to be the true sources of political power. And, as if for the very purpose of rendering the example, thus, for the first time, here presented of the formation of the social structure, as complete and instructive as possible, it was ordered by Providence that the experiment should take place in every conceivable variety of form, and method of procedure, in the different sections of the North American coast where settlements were established.

The Pilgrim passengers of the *May Flower*, before they left their weary and storm-worn vessel, gathering themselves on her deck, in a state more destitute of fixed political relations than can be imagined of the earliest infancy of mankind, floating on the ocean, outcasts from the Old World and not yet assured of a landing in the New,—disconnected, as it were, from the earth itself, without a home on its surface, not able to call an acre of its soil their own,—in this more than primitive condition of unorganized social existence, deliberately conferred together respecting the grounds on which to become associated as a community, and agreed upon their original compact ; and when they stepped upon the Rock of Plymouth, the great republican principle, that the will of the people is the rule of government, began its operation on the earth.

When Winthrop and the other associated founders of Massachusetts determined, and after a strenuous struggle succeeded in the effort, to bring their charter over with them, then the doctrine of independence of foreign dominion was really established and permanently secured. When the pious and enlightened founders of the settlement at Salem assembled to erect the institutions of religion, they met together in what has been understood as the state of nature, by those who have written and argued on this subject ; they recog-

nised no privileges or rights, on the part of any of their company, in consequence of offices they might have borne, or relations they might have held, in the church establishments of the part of the world from which they came. In the exercise of their original and natural equal rights, they agreed upon such articles and forms as they thought proper, and thus started into action the great principle of the absolute independence of particular churches and congregations, of all other bodies of men, both ecclesiastical and political.

So too, wherever the emigrants from the Old World planted themselves in the New, feeling their substantial independence of foreign power, regarding the Atlantic as literally a wall of separation from all existing established forms and fashions and customs, they went to work, in the exercise of their own free choice, and by the use of their own wisdom and judgment, to contrive and originate their social and political institutions; and the American student, who wishes to explore the formation, and compare the operations and results, of any of the practices or principles, which enter into the fabric of our society and government, will find them all clearly delineated in the various communities, which have sprung from the different European settlements on the American continent. The materials, which are already provided for illustration and instruction to this end, are eminently satisfactory and abundant, and will be found of more and more value as the progress of knowledge and civilization renders the world more sensible of the importance of sound and just and liberal political institutions.

These remarks have been drawn from us by the interesting and valuable Discourse whose title is at the head of this paper. Among the numerous productions of its class, there are few which bring forward a larger amount of information and useful suggestion for the philosophical historian and scientific politician. Professor Kingsley was well selected to prepare and present the contribution, which the ancient Colony of New Haven supplies to the fund of our national historical literature, and he has well discharged his office.

All who take pleasure in contemplating the elements of beauty, virtue, patriotism, science, and learning, find themselves readily and spontaneously attracted by the name of New Haven. Itself one of the most delightful spots in America, in its natural and cultivated aspect, it is adorned and

dignified by as many cherished associations as can often be gathered around any one scene. It is the seat of a collegiate establishment, which in some respects is generally acknowledged to take the lead of all the institutions of the sort with which our country is blessed, numbering among its present instructors names identified with science and learning, and showing, on the list of its presidents, a Dwight and a Stiles. New Haven is memorable as the residence of Hillhouse, Sherman, Whitney, Whiting, and Wooster, within the last century ; and Professor Kingsley has carried us back to the beginning, and made us feel acquainted with Theophilus Eaton, John Davenport, Edward Hopkins, and the other wise and good men, who there laid the foundations of learning, religion, and liberty.

Immediately after the fathers of New Haven had obtained titles to their lands, and had built houses to shelter themselves from the approaching winter, and thrown up fortifications to keep off the savages, they proceeded to form their social compact and organize their political institutions. For this purpose they met in a "new barn, built by Mr. Newman, one of the principal colonists." They acted, as the other founders of New England colonies had done, without reference to the mother country, or any authority but that of their own reason and consciences. The ground they took was, "that the Scriptures do hold forth a perfect rule for the direction and government of all men, in all duties, which they are to perform to God and men, as well in families and commonwealth, as in matters of the church." They then ordained, that none but church members should exercise the right of voting, or be capable of holding public office. Professor Kingsley discusses this peculiarity of the early New England institutions with great candor, fairness, and intelligence.

In order to take a just view of this subject, the scheme or plan on which those institutions were projected must not be overlooked. The first settlers of New England, having exiled themselves from Christendom, intended to keep heretics and scoffers from following them into the American wilderness, and were sanguine in the belief, that, by means of the system of education they had determined to apply, they would be able to rear their children and descendants in so thorough a knowledge, and complete a reception, of their own faith and

principles, that they would become, as a matter of course, members of the church. In that event, there would have been no exclusiveness in the operation and effect of the qualification they adopted, as the test of fitness for the exercise of political rights. But this was more than any system of education could be made to accomplish. Time has shown how delusive were their expectations in this particular.

There is one point in the experience of the infant colony of New Haven, of great value in political science. Instead of having a fixed body of laws, they submitted all questions and causes, as they rose, to their best men, to be determined by them, without the intervention of a jury, or any technical observances, in accordance with what they deemed equity and justice in each particular case. In no circumstances could this experiment have been more favorably attempted. Such was the character of the judges, that as much reliance could be placed upon their integrity and Christian wisdom, as can ever be placed in any body of magistrates that may be found. But in a few years it became necessary to frame a system of fixed and authoritative laws, and to bring the New Haven courts into a conformity with the practice of the other colonies.

Professor Kingsley has found, what, perhaps, will surprise some, that the popular notion of the existence in Connecticut of a code of sumptuary legislation, commonly spoken of as the Blue Laws, is utterly without foundation. There never was such a code of laws in the colony, either printed or unprinted. So far as the belief to this effect did not originate in a spirit of malice or sarcasm, on the part of those who wished to vilify or ridicule the good people of New Haven, it may, in part, be accounted for by supposing, that some of the particular decisions of the judges, in the infancy of the colony, when, from the nature of the code, questions of a more private and minute and domestic nature than could be entertained in the tribunals of an advanced and numerous population, came before them, were mistaken for standing laws, enacted by legislative authority.

On this, as on other points, Professor Kingsley writes with the enthusiastic zeal of one who is justly sensible of the honor due to a worthy and excellent community, and with the talent and eloquence to be expected of him.